

## Junk phone calls

Nov. 14 is deadline for comments on a petition filed by Walter Baer (as an individual) and the Citizens Communication Center (a public interest, nonprofit communications law firm) asking **Federal Communications Commission (FCC)** to issue a proposed rule to protect consumers from so-called "junk telephone calls" (unsolicited recorded sales and promotional messages) when an automated dialer dials a series of telephone numbers and plays a prerecorded message when the phone is answered. When the consumer hangs up, the device automatically dials the next number.

The petition urges FCC to:

- Restrict the use of automatic dialing devices for presenting unsolicited recorded messages over the telephone.
- Designate a way for consumers to indicate they do not want to receive unsolicited advertising messages over their telephones, and specify penalties for violators.
- Require users of automatic dialing devices to precede each recorded message with an announcement identifying it as coming from such a device.

Telephone solicitations made personally by companies are not included in this petition.

Details—*Federal Register*: Oct. 3, page 53661. Send comments to Secretary, Federal Communications Commission, Washington, DC 20554. Be sure to identify letters with the number RM-2955.

**NOTE:** In the meantime, the Aspin-Anderson Telephone Privacy Act was introduced in both the Senate and House of Representatives to stop the junk calls described above. According to the sponsors of the bills: "Every day thousands of people are dragged to their phones only to have a cooing voice try to sell them the ultimate product without which their lives would not be complete. This is not routine advertising; this is the ultimate invasion of privacy to millions of Americans who want to tend their gardens, eat their dinners or chat with neighbors in peace." The telephone privacy bill has requirements that are not contained in the petition, such as limiting the calls to 60 seconds and restricting unsolicited calls that are actually dialed by a person.

At CONSUMER REGISTER press time the White House Office of Telecommunications Policy requested the FCC to consider banning completely such junk calls.

**Office of Consumer Affairs (OCA)** plans to comment on the petition.

## Net weight labeling

Nov. 14 is deadline for sending in requests to participate in **Food and Drug Administration's (FDA)** public hearings on the need to change existing regulations on net weight labeling of certain food products that may gain or lose moisture despite good distribution practices. Packaged flour is one product that may not actually weigh what the statement on the package indicates. The flour may lose or gain moisture during the distribution process, depending on whether the flour is distributed to a humid climate (where it will take on moisture and add to the weight) or to a dry climate (where it will lose moisture). FDA regulations permit such variation within reason.

However, the weights and measures laws of many states, including California, are not the same as Federal requirements and these laws interpret the word "accurate" in different ways. In California the average weight of the packages must be at least the stated weight or the packages will be ordered removed from the shelves.

Recently, the Supreme Court ruled that the Federal law

allowing differences between the stated weight and actual weight preempts these "accurate" weight state laws. Therefore, many state and local agencies and Idaho Consumer Affairs, Inc. have asked FDA (as well as **Agriculture Dept.**) to amend the regulation to require accuracy on a lot average at the time of retail sale. The public hearings will provide an opportunity for all interested persons to present their views on the matter.

The hearings will be held at 10 a.m. at the following locations:

- Dec. 8  
Room 1194, San Francisco State Bldg.  
455 Golden Gate Ave.  
San Francisco, CA
- Dec. 15  
Sheraton "C" Conference Room  
Sheraton-Biltmore Hotel  
Atlanta, GA

Details—*Federal Register*: Oct. 14, page 55228. Send comments to Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Be sure to mark envelope containing the notice of participation: NET WEIGHT HEARING, Docket No. 77N-0292. Individuals and organizations with common interests are urged to consolidate their presentations. For more information write or call Heinz G. Wilms at above address; telephone 301-443-6200.

## Diet pills

Nov. 14 is deadline for sending in requests to participate in a Dec. 2 public hearing before the **Food and Drug Administration (FDA)** on medical use and abuse of amphetamines, a class of prescription drugs widely used for treating obesity.

Although strict Federal controls by the **Drug Enforcement Administration (DEA)** have reduced the amount of amphetamines that can be legally manufactured by up to 80% over 1965 (the peak production year), FDA says there is increasing evidence that amphetamines remain subject to considerable abuse.

If, as a result of the scheduled hearing, FDA decides that the current level of abuse is unacceptably high, it will consider taking the following actions:

- Revoke approval of the drugs for use in weight reduction because FDA's research show that amphetamines have limited effectiveness for this purpose and other drugs have less potential for abuse.
- Retain the use of amphetamines only for treatment of narcolepsy (a rare condition of uncontrollable sleepiness) and for minimal brain dysfunction (hyperactivity) in children.
- Require a special patient brochure to explain the limited usefulness of amphetamines and to warn about their serious potential for abuse and for physical harm from overuse.

The hearing will be held in Conference Room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857. Details—*Federal Register*: Oct. 14, page 55374. To participate in hearing send written notice to Hearing Clerk, at the Rockville address. For more information call or write Ronald Kartzin at above address; telephone 301-443-4020.

## Credit and adverse action

Nov. 15 is deadline for comments on **Federal Reserve System's (FRS)** proposed rules to amend the definition of "adverse action" under the implementing regulations of the Equal Credit Opportunity Act (ECOA).

ECOA requires that a creditor notify a credit applicant of the reasons for any adverse action taken in regard to his or her credit account. It is now necessary to determine whether

an adverse action takes place when a creditor refuses to authorize credit at the point of sale in such situations where a customer presents a card reported lost or stolen, or when equipment at the point of sale is malfunctioning.

FRS would like comments on 2 alternative proposals:

- Proposal A would provide that a refusal to authorize the use of credit at the point of sale is not an adverse action; therefore, no notice would be required except in certain limited instances.

- Proposal B would provide that such refusals would be an adverse action, and a notice would be required except in cases where the customer fails to present the credit card or identification, or where he or she presents an expired credit card.

Details—*Federal Register*: Oct. 11, page 54834. Send comments to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551. Refer to Docket No. R-0117. For more information call or write Anne Geary at above address; telephone 202-452-3946.

## CB radios

Nov. 17 is new deadline for comments on **Federal Communications Commission's** (FCC) proposed revised and simplified regulations on Citizens Band (CB) Radio Service. Extension is result of a petition stating that more time is necessary to ensure full public participation in this procedure.

Details—*Federal Register*: Sept. 29, page 49489; July 20, page 37304. **CONSUMER REGISTER**: Aug. 1. Send comments to Federal Communications Commission, Washington, DC 20554. Identify comments with docket number (21318). For more information call or write Gregory Jones or Erika Ziebarth at above address; telephone 202-634-6620 or 6619.

## On-time flights

Nov. 21 is deadline for comments on **Civil Aeronautics Board's** (CAB) new request for comments on a proposed rule to substitute "on-time" arrival schedules for the existing "elapsed" time arrival schedules.

Under the present CAB rule, at least 75% of the trips flown by an airline from one specific point to another in a 3-month period must be within the elapsed (actual flying) time, plus 15 minutes. This means that if a plane departs one hour late and arrives one hour late—but its actual flying time meets the elapsed time schedule, it is considered on time.

In July 1976 [*RATE REGISTER*: Aug. 15, 1976] the Aviation Consumer Action Project (ACAP) filed a petition asking that CAB require airlines to use on-time arrival standards determined by the actual arrival time published in the airlines' timetable schedules. However, because comments received by both opponents and proponents of the proposed rule were sparse and ambiguous, CAB was not able to reach an informed decision. Since then, CAB's Bureau Enforcement proposed, as an alternate to the existing rule, that when a carrier's scheduled flights fail to arrive on time 75% of the time (that is, within 15 minutes of the elapsed time), during a 3-month period, all references to the flights must say they are "subject to frequent delays," even if the delays were not the fault of the airline.

At this time CAB would like to know:

- Economic costs to carriers, individually and industry-wide, and to the air traveler, if a new standard were adopted.

- If the number and proportion of traveler complaints on flight delays are significant.

- If the public feels that the seriousness of the flight delay problem warrants a new standard.

- If the Bureau of Enforcement alternative (the "subject to frequent delays" notice) would better serve the public need.

CAB noted that unless it is convinced there is a real need for a new standard it is not inclined to change the existing regulations.

Details—*Federal Register*: Oct. 5, page 54303. **RATE REGISTER**: Aug. 15 and Dec. 15, 1976. Send comments to Docket 27891, Docket Section, Civil Aeronautics Board, Washington, DC 20428. For more information write or call Simon J. Eilenberg at above address; telephone 202-673-5442.

## Standards

- **CANNED WHITE POTATOES—Agriculture Dept.'s Food Safety and Quality Service** (FSQS) has revised its grade standards for canned white potatoes (effective Dec. 1). FSQS says that as a result of the revisions consumers may find slightly better flavor in US Grade A canned white potatoes. Revision of the standards were requested by processors of canned white potatoes and reflects present-day packing practices along with new methods of evaluating quality levels in the potatoes. Details—*Federal Register*: Oct. 14, page 55197.

- **PROCESS CHEESE**—Jan. 3, 1978 is deadline for comments on **Food and Drug Administration's** (FDA) proposed revisions to the definitions and standards of identity for pasteurized process cheese and other pasteurized process cheese products. FDA claims the proposal, if adopted, would make a wider variety of high quality, lower fat products available. Details—*Federal Register*: Oct. 4, page 53970. Send comments to Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. For more information call or write Eugene T. McGarrahan, Food and Drug Administration, 200 C St., SW, Washington, DC 20204; telephone 202-245-1155.

- **SKIM MILK CHEESE**—Dec. 5 is deadline for comments on **Food and Drug Administration's** (FDA) proposal to amend the identity standard for skim milk cheese for manufacturing. FDA says such an amendment would provide for the use of skim milk cheese in producing lower fat cheese products. Details—*Federal Register*: Oct. 4, page 53979. Send comments to Hearing Clerk, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. For more information write or call Eugene T. McGarrahan at address listed above under "Process cheese."

- **GRAPEFRUIT JUICE**—Jan. 10, 1978 is deadline for comments on **Agriculture Dept.'s Food Safety and Quality Service's** (FSQS) proposal to update its standards for grapefruit juice. Grades are based on color, absence of defects and flavor. Existing standards assign a lower quality grade to juice that does not have a good color—even though the flavor of that grapefruit juice may be at its peak. For this and other reasons FSQS feels that standards should be changed. Details—*Federal Register*: Oct. 12, page 51952. Send comments to Chief, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, Agriculture Dept., Washington, DC 20250. For more information write or call Dale C. Dunham at above address; telephone 202-447-4693.

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# consumer comment

Federal agencies want to learn your views on proposals and other items published in the *Federal Register* and CONSUMER REGISTER. Agencies use these comments in their decision making.

These forms are provided for you to use, if you wish, in commenting on these items. For more lengthy comments, feel free to use a plain sheet of paper. Send comment forms to addresses listed in CONSUMER REGISTER summaries. CONSUMER NEWS is publishing these forms in cooperation with the **Food and Drug Administration (FDA)**.

Name \_\_\_\_\_ Date \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) \_\_\_\_\_

by (name of agency) \_\_\_\_\_

published in *Federal Register* on (date) \_\_\_\_\_ on (page) \_\_\_\_\_

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# consumer comment

CONSUMER REGISTER publishes proposed and final rules, regulations and notices of interest to consumers originally appearing in the *Federal Register*. Notices on proposed rules published in the *Federal Register* and summarized in CONSUMER REGISTER give consumers the opportunity to participate in rule making prior to the adoption of final rules. The *Federal Register* is published to provide a uniform system for making available to the public regulations and legal notices issued by Federal agencies.

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